

REMARKS

Reconsideration of the application in light of the following remarks is respectfully requested.

Status of the Claims

Claims 4, 6-8, and 10-14 are pending. Claims 1-3, 5 and 9 were canceled by prior amendment.

Rejection under 35 U.S.C. §102(e) based on Kleider

Claims 4, 6-8 and 10-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,084,919 to Kleider et al. ("Kleider").

As submitted in the prior response, Kleider describes a communication system for reducing the effect of interference on a data signal. See Kleider, col. 1, lines 48-50. The principles of the system disclosed by Kleider are described as being implemented in a spread spectrum communications system. Kleider, column 2, lines 50-53. A spectrum analysis unit 218 within a second communication unit 204 (i.e., a receiver) monitors the spectral profile of a channel 206. Information indicative of the spectral profile of the channel 206 is transferred from the spectral analysis unit 218 to a transmit parameter determination unit 214 within the first communication unit 202 (i.e., a transmitter). See Kleider, col. 3, lines 46-48; Fig. 1. The transmit parameter determination unit 214 uses the spectrum information to determine transmit parameters "in light of the spectral profile." Kleider, column 3, lines 50-53.

Independent claim 4 of the present application is directed to quality control of a digital radio transmission, and recites "evaluating digital quality data of a received digital signal using the at

least one receiver station so as to determine corresponding parameter values; transmitting the corresponding parameter values to a broadcast transmitter, the transmitting being performed automatically via an Internet.” Claims 8 and 12-14 recite similar subject matter. It is respectfully submitted that Kleider does not disclose evaluating the digital quality data of a received digital signal to determine corresponding parameter values using a receiver station, and transmitting the corresponding parameter values to a transmitter over the Internet, as recited in independent claims 4, 8 and 12-14.

In contrast, Kleider describes obtaining a spectral profile of a channel 206 using a spectrum analysis unit 218 in a second communication unit (i.e., a receiver), and transferring the spectral profile to a transmit parameter determination unit 214 within the first communication unit 202 (i.e., a transmitter), where the transmit parameter determination unit 214 in the first communication unit determines the transmit parameters. *See Kleider, col. 3, lines 46-53.* Further, Kleider merely identifies that there has been a rapid increase in the number of applications using radio frequency energy, including wireless internet applications. *Kleider, col. 1, lines 10-13.* Kleider nowhere teaches transmitting parameter values corresponding to an evaluation of a received digital signal to a broadcast transmitter via the internet, as recited in independent claims 4, 8 and 12-14. Therefore, Kleider because it fails to disclose each and every element of independent claims 4, 8 and 12-14, it cannot anticipate independent claims 4, 8 and 12-14, or any of their respective dependent claims 6, 7, 10 and 11.

Reconsideration and withdrawal of the rejection of claims 4, 6-8, and 10-14 under 35 U.S.C. § 102(e) based on Kleider is respectfully requested.

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CONCLUSION

In view of the foregoing it is believed that claims 4, 6-8, and 10-14 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

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